

**Bureau of Land Management, Roswell Field Office**  
**Environmental Assessment Checklist, EA# NM-510-2008-120**  
**Blue Bomber Federal #1 Mack Energy Corp. NM-101106**

Resources	Not Present on Site	No Impacts	May Be Impacts	Mitigation Included	BLM Reviewer	Date
Air Quality			X		SWA Spec/Hydro. /s/ Mike McGee  /s/ John S. Simitz	7/17/08
Soil			X	X		
Watershed Hydrology			X	X		
Floodplains	X					
Water Quality - Surface			X	X		
Water Quality - Ground			X	X		
Cultural Resources			X	X	Archaeologist /s/ Rebecca L. Hill 08-R-101A	16Sep2008
Native American Religious Concerns	X					
Paleontology	X					
Areas of Critical Environmental Concern	X				Plan & Env. Coord. /s/ J H Parman	/8/5/08
Farmlands, Prime or Unique	X				Realty /s/ sanderford	9/4/2008
Rights-of-Way			X	X		
Invasive, Non-native Species			X	X	Range Mgmt. Spec. /s/ Joseph M. Navarro	8/4/08
Vegetation			X	X		
Livestock Grazing			X	X		
Threatened or Endangered Species	X				Biologist /s/ D Baggao	8/7/08
Special Status Species	X					
Wildlife			X	X		
Wetlands/Riparian Zones	X					
Wild and Scenic Rivers	X				Outdoor Rec. Plnr. /s/ Bill Murry	8/26/08
Wilderness	X					
Recreation		X				
Visual Resources			X			
Cave/Karst			X			
Environmental Justice		X			Surface Protection /s/ B. Novosak	8/5/08
Public Health and Safety		X				
Wastes, Hazardous or Solid		X				
Solid Mineral Resources		X			Geo/SPS /s/ Jerry Dutchover	08/19/08
Fluid Mineral Resources		X			Geologist /s/ John S. Simitz	7/17/08

**DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT**

Roswell Field Office  
2909 W. Second Street  
Roswell, New Mexico 88201

Project: Blue Bomber Federal #1 Oil Well  
Location: J-7-T15S-R29E  
Applicant: Mack Energy Corporation  
Roswell Field Office: (575) 627-0272

EA Log Number: NM-510-2008-120  
Lease Number: NM-101106  
Right-of-Way Number: NM-121013  
File Code: 3160

**Finding of No Significant Impact**

Based on the analysis of potential environmental impacts contained in the attached environmental assessment, I have determined the proposed action is not expected to have significant impacts on the environment and that preparation of an Environmental Impact Statement is not warranted.

**Decision Record**

Based upon the analysis, Mack Energy Corporation's Application for Permit to Drill the Blue Bomber Federal #1 oil well located 2310' FSL & 1650' FEL, Section 7, T. 15S., R. 29 E., NMPM, Chaves County, New Mexico is approved. Mack Energy Corporation has also applied to construct, operate, maintain, and terminate an off-lease access road under Title V of the Federal Land Policy and Management Act of 1979 as amended and the regulations cited in 43 CFR 2800. The right-of-way is approved and will traverse public lands within the following allocate parts:

T. 15 S., R. 29 E., NMPM, Chaves County, New Mexico  
Section 5, NE $\frac{1}{4}$   
Section 18, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$

Right-of-way NM-121013 will be granted for 2,760 feet in length by 30 feet wide with a driving surface of 14 feet, aggregating 1.9 acres. The right-of-way will be issued for a 20-year period with the option to renew.

Rationale: The Bureau of Land Management staff has reviewed the environmental assessment and identified site-specific mitigation measures to avoid or minimize surface impacts resulting from the construction of this project. The well pad and access road will remain as long-term impacts. The cumulative impacts to the environment from existing and new development have been identified.

The Bureau of Land Management's approval of the APD does not relieve the lessee and operator from obtaining required authorizations from the private surface owner.

This proposed action is in compliance with the 1997 Roswell Resource Management Plan, as amended. This plan has been reviewed to determine if the proposed action conforms to the land-use planning terms and conditions required by 43 CFR 1610.5. This action does not conflict with existing Chaves County land-use planning or zoning.

Administrative Review and Appeal: Under BLM regulations, this Decision Record (DR) is subject to administrative review in accordance with 43 CFR 3165. Any request for administrative review of this DR must include information required under 43 CFR 3165.3(b) (State Director Review), including all supporting documentation. Such a request must be filed in writing with the State Director, Bureau of Land Management, 1474 Rodeo Road, Santa Fe, NM 87505, no later than 20 business days after this DR is received or considered to have been received.

Any party who is adversely affected by the State Director's decision may appeal that decision to the Interior Board of Land Appeals, as provided in 43 CFR 3165.4.

Prepared by:

/s/ Brian A. Novosak

10/06/2008

Date

Brian A. Novosak,  
Natural Resource Specialist

Approved by:

/s/ Angel Mayes

10/06/2008

Date

Angel Mayes,  
Assistant Filed Manager,  
Lands and Minerals

**BUREAU OF LAND MANAGEMENT  
ROSWELL FIELD OFFICE**

**ENVIRONMENTAL ASSESSMENT # NM-510-2008-120 FOR  
BLUE BOMBER FEDERAL #1**

**1.0 Introduction**

Mack Energy Corporation has filed Application for Permit to Drill the Blue Bomber Federal #1 oil well located 2310' FSL & 1650' FEL, Section 7, T. 15 S., R. 29 E., NMPM, Chaves County, New Mexico. Mack Energy Corporation has also applied to construct, operate, maintain, and terminate an off-lease access road under Title V of the Federal Land Policy and Management Act of 1979 as amended and the regulations cited in 43 CFR 2800. The right-of-way will measure 2,760-feet in length, 30-feet wide with a driving surface of 14-feet for approximately 1.90 acres, more or less and will traverse public lands within the following allocate parts:

T. 15 S., R. 29 E., NMPM, Chaves County, New Mexico  
Section 5, NE $\frac{1}{4}$   
Section 18, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$

**1.1 Purpose and Need**

The purpose for the proposed action is for further development of a federal oil and gas lease. It is the policy of the BLM to make mineral resources available for disposal and to encourage development of mineral resources to meet National, regional, and local needs. The Mineral Leasing Act of 1920 (MLA), as amended [30 USC 181 et seq.], authorizes the BLM to issue oil and gas leases for the exploration of oil and gas, and permit the development of those leases. An approved APD, issued by the BLM, would authorize the applicant to construct and drill a well.

**1.2 Conformance with Applicable Land Use Plan and Other Environmental Assessments**

Pursuant to 40 Code of Federal Regulations (CFR) 1508.28 and 1502.21, this site-specific EA tiers to and incorporates by reference the information and analysis contained in the 1997 Roswell RMP, as amended. The RMP is available for review at the Roswell Field Office, Roswell, New Mexico. This EA addresses the resources and impacts on a site-specific basis as required by the National Environmental Policy Act (NEPA) of 1969, as amended (Public Law 91-90, 42 USC 4321 et seq.) and conforms to the Roswell Resource Management Plan October 1997 as amended, Mineral Leasing Act of 1920 (MLA), as amended [30 USC 181 et seq.], Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761), and 43 CFR 2800.

**1.3 Federal, State or Local Permits, Licenses or Other Consultation Requirements**

Under Section 402 of the Clean Water Act (as amended), the U.S. Environmental Protection Agency (EPA), was directed to develop a phased approach to regulate storm water discharges under the National Pollutant Discharge Elimination System (NPDES) program. Industrial

activities disturbing land may require permit coverage through a NPDES storm water discharge. Depending on the acreage disturbed, either a Phase I industrial activity (5 or more acres disturbance) or a Phase II small construction activities (between 1 and 5 acres disturbance) permit may be required. Additionally, an U.S. Army Corps of Engineers Section 404 permit for the discharge of dredge and fill materials may also be required. Additionally, a New Mexico Surface Water Quality Bureau 401 certification may also be required under a U.S. Army Corps of Engineers Section 404 permit. Operators are required to obtain all necessary permits and approvals prior to any disturbance activities.

Roswell Field Office staff reviewed the proposed action and determined it would be in compliance with threatened and endangered species management guidelines outlined in Biological Assessments Cons. #2-22-96-F-102, Cons. #22420-2006-I-0144, and Cons. #22420-2007-TA-0033. No further consultation with the U.S. Fish and Wildlife Service is required. .

Compliance with Section 106 responsibilities of the National Historic Preservation Act are adhered to by following the BLM – New Mexico State Historic Preservation Officer protocol agreement, which is authorized by the National Programmatic Agreement between the *BLM*, the *Advisory Council on Historic Preservation*, and the *National Conference of State Historic Preservation Officers*, and other applicable BLM handbooks.

Additionally, the Operator is required to:

- Comply with all applicable Federal, State and local laws and regulations.
- Obtain the necessary permits for the drilling, completion and production of these wells including water rights appropriations, the installation of water management facilities, water discharge permits, and relevant air quality permits.
- Certify that a Surface Use Agreement has been reached with private landowners where required.

The proposed project would not be in conflict with any State, local, or county plans.

## **2.0 Alternatives Including the Proposed Action**

### **2.1 Alternative A – No Action**

The BLM NEPA Handbook (H-1790-1) and the National Environmental Policy Act and associated Code of Federal Regulations state that for EAs on externally initiated proposed actions, the No Action Alternative means that the proposed activity would not take place. The No Action Alternative is presented for baseline analysis of resource impacts, and if selected, would deny the approval of the proposed application. Current land and resource uses would continue to occur in the proposed project area. No mitigation measures would be required.

## 2.2 Alternative B – Proposed Action

Mack Energy Corporation filed Notice of Staking on June 30, 2008 and filed an Application for Permit to Drill on July 17, 2008 for the Blue Bomber Federal #1 Oil Well.

1. ON-LEASE: The construction of the proposed well pad would be 300 feet long by 300 feet wide (plus 30' X 30'). There will be no construction of a reserve pit as Mack proposes to drill the location using a closed-loop system. Standard oilfield construction equipment consisting of; track-type tractors, motor graders, dump trucks, and water trucks would be used to construct the access road and well pad. A rotary drilling rig would be used to drill the well to a total measured depth (MD) of 3500 feet. Associated production facilities (e.g., pipeline, separator, storage tanks, etc.) would be installed during the production phase of this well. An on-lease access road which does not require a FLPMA ROW will be constructed 1,218-feet long and 30-feet wide, with a 14-foot travelway, aggregating 0.83 acres.

Proposed Well Information:

Well Name	Number	Township	Range	Section	Lease Number	Date Lease Issued
Blue Bomber Federal	1	T15S	R29E	7	NM-101106	08/20/1998

County: Chaves

Applicant: Mack Energy Corporation

PO Box 960

Artesia, NM 88211

(575) 748-1288

Surface Owners: Bureau of Land Management

2. OFF-LEASE: Mack has applied for a Right-of-Way (ROW) 2,760-feet long and 30-feet wide, aggregating 1.90 acres within T. 15 S., R. 29 E., Sec. 5, NE<sup>1</sup>/<sub>4</sub> and Sec. 18, NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>. The remainder of the access road, approximately 16,500-feet does not require a FLPMA ROW because the existing access road is on private surface. The road will have a driving surface (travelway) of 14 feet in width with a maximum 30-foot wide surface disturbance area for the road construction.

## 2.3 Alternative C – Preferred Alternative

At the on-sites, all areas of proposed surface disturbance were inspected to ensure that potential impacts to natural resources would be minimized. Changes were made to alleviate or minimize environmental impacts. Alternatives to the different aspects of the proposed action are always considered and applied as preapproval changes, site specific mitigation and/or Conditions of Approval, if they will alleviate or minimize environmental impacts of the operator's proposal. The specific changes identified for the well are listed below under 2.3.1:

### **2.3.1 Changes as a result of the on-sites:**

A Notice of Staking was received June 30, 2008. The onsite consultation conducted July 10, 2008 moved the original proposed access road approximately 300-feet west from a small drainage with deep loamy soils to higher ground with rocky soils. The APD packet received July 17, 2008 included the amended access road route and therefore will be approved as proposed.

## **3.0 Description of Affected Environment**

This section describes the environment that would be affected by implementation of the alternatives described in Section 2. Aspects of the affected environment described in this section focus on the relevant major resources or issues. Certain critical environmental components require analysis under BLM policy. These items are included below in Table 3.0, found as the first page of this document. Following the table, only the aspects of the affected environment that are potentially impacted are described. The following elements are not present: Areas of Critical Environmental Concern, Prime or Unique Farmlands, Floodplains, Wild and Scenic Rivers, Wilderness or Wilderness Study Areas, Special Status Species, Wastes, Hazardous or Solids, and Wild Horses and Burros.

The proposed well is located in Chaves County, New Mexico and described in the 1997 Roswell RMP Record of Decision. Additional general information on air quality in these areas is contained in Chapter 3 of the Roswell Draft RMP/Environmental Impact Statement.

In addition to the air quality information in the RMPs cited above, new information about Greenhouse gases (GHGs) and their effects on national and global climate conditions has emerged since the RMPs were prepared. On-going scientific research has identified the potential impacts of GHG emissions such as carbon dioxide (CO<sub>2</sub>) methane (CH<sub>4</sub>); nitrous oxide (NO); water vapor; and several trace gasses on global climate. Through complex interactions on a global scale, GHG emissions cause a net warming effect of the atmosphere, primarily by decreasing the amount of heat energy radiated by the earth back into space. Although GHG levels have varied for millennia (along with corresponding variations in climatic conditions), industrialization and burning of fossil carbon sources have caused GHG concentrations to increase measurably, and may contribute to overall climatic changes, typically referred to as global warming.

This EA incorporates an analysis of the contributions of the proposed action to GHG emissions and a general discussion of potential impacts to climate.

## **3.1 Air Resources**

Air quality and climate are the components of air resources, which include applications, activities, and management of the air resource. Therefore, the BLM must consider and analyze the potential effects of BLM and BLM-authorized activities on air resources as part of the planning and decision making process.

The Environmental Protection Agency (EPA) has the primary responsibility for regulating air quality, including seven nationally regulated ambient air pollutants. Regulation of air quality is also delegated to some states. Air quality is determined by atmospheric pollutants and chemistry, dispersion meteorology and terrain, and also includes applications of noise, smoke management, and visibility. Climate is the composite of generally prevailing weather conditions of a particular region throughout the year, averaged over a series of years. GHG's and the potential effects of GHG emissions on climate are not regulated by the EPA, however climate has the potential to influence renewable and non-renewable resource management.

### **3.1.1 Air Quality**

The area of the proposed action is considered a Class II air quality area. A Class II area allows moderate amounts air quality degradation. The primary sources of air pollution are dust from blowing wind on disturbed or exposed soil and exhaust emissions from motorized equipment.

Air quality in the area near proposed well is generally good and is located in any of the areas designated by the Environmental Protection Agency as "non-attainment areas" for any listed pollutants regulated by the Clean Air Act.

Greenhouse gases, including carbon dioxide (CO<sub>2</sub>) and methane (CH<sub>4</sub>), and the potential effects of GHG emissions on climate, are not regulated by the EPA under the Clean Air Act. However, climate has the potential to influence renewable and non-renewable resource management. The EPA's Inventory of US Greenhouse Gas Emissions and Sinks found that in 2006, total US GHG emissions were over 6 billion metric tons and that total US GHG emissions have increased by 14.1% from 1990 to 2006. The report also noted that GHG emissions fell by 1.5% from 2005 to 2006. This decrease was, in part, attributed to the increased use of natural gas and other alternatives to burning coal in electric power generation.

The levels of these GHGs are expected to continue increasing. The rate of increase is expected to slow as greater awareness of the potential environmental and economic costs associated with increased levels of GHG's result in behavioral and industrial adaptations.

### **3.1.2 Climate**

Global mean surface temperatures have increased nearly 1.0°C (1.8°F) from 1890 to 2006 (Goddard Institute for Space Studies, 2007). However, observations and predictive models indicate that average temperature changes are likely to be greater in the Northern Hemisphere. Without additional meteorological monitoring systems, it is difficult to determine the spatial and temporal variability and change of climatic conditions, but increasing concentrations of GHGs are likely to accelerate the rate of climate change.

In 2001, the Intergovernmental Panel on Climate Change (IPCC) predicted that by the year 2100, global average surface temperatures would increase 1.4 to 5.8°C (2.5 to 10.4°F) above 1990 levels. The National Academy of Sciences (2006) supports these predictions, but has acknowledged that there are uncertainties regarding how climate change may affect different regions. Computer model predictions indicate that increases in temperature will not be equally



distributed, but are likely to be accentuated at higher latitudes. Warming during the winter months is expected to be greater than during the summer, and increases in daily minimum temperatures is more likely than increases in daily maximum temperatures.

A 2007 US Government Accountability Office (GAO) Report on Climate Change found that, "federal land and water resources are vulnerable to a wide range of effects from climate change, some of which are already occurring. These effects include, among others: 1) physical effects such as droughts, floods, glacial melting, and sea level rise; 2) biological effects, such as increases in insect and disease infestations, shifts in species distribution, and changes in the timing of natural events; and 3) economic and social effects, such as adverse impacts on tourism, infrastructure, fishing, and other resource uses." It is not, however, possible to predict with any certainty regional or site specific effects on climate relative to the proposed lease parcels and subsequent actions.

In New Mexico, a recent study indicated that the mean annual temperatures have exceeded the global averages by nearly 50% since the 1970's (Enquist and Gori). Similar to trends in national data, increases in mean winter temperatures in the southwest have contributed to this rise. When compared to baseline information, periods between 1991 and 2005 show temperature increases in over 95% of the geographical area of New Mexico. Warming is greatest in the northwestern, central, and southwestern parts of the state.

### **3.2 Land Use**

Existing Rights-of-Way:

The new construction of an access road to the well pad will cross over one existing buried pipeline granted under Mineral Leasing Act (MLA) Right-of-way NM-53766. This right-of-way grants a 50 foot wide right-of-way for a buried 3 inch diameter gas pipeline. The right-of-way grant holder was notified of the constructed and solicited for comments, however no comments were received.

### **3.3 Cultural Resources**

The project falls within the Southeastern New Mexico Archaeological Region. This region contains the following cultural/temporal periods: Paleoindian (ca. 12,000-8,000 B.C.), Archaic (ca. 8000 B.C. –A.D. 950), Ceramic (ca. A.D. 600-1540) Protohistoric and Spanish Colonial (ca. A.D. 1400-1821), and Mexican and American Historical (ca. A.D. 1822 to early 20th century). Sites representing any or all of these periods are known to occur within the region. A more complete discussion can be found in *Living on the Land: 11,000 Years of Human Adaptation in Southeastern New Mexico An Overview of Cultural Resources in the Roswell District*, Bureau of Land Management published in 1989 by the U.S. Department of the Interior, Bureau of Land Management. A cultural resource inventory shall be conducted of the area of effect for the proposed project prior to any ground disturbing activities.

### **3.4 Native American Religious Concerns**

A review of existing information indicates the proposed action is outside any known Traditional Cultural Property.

### **3.5 Environmental Justice**

Executive Order 12898 requires Federal agencies to assess projects to ensure there is no disproportionately high or adverse environmental, health, or safety impacts on minority and low-income populations.

### **3.6 Invasive & Noxious Weeds**

There are no known populations of invasive or noxious weed species on the proposed access road and well pad.

Infestations of noxious weeds can have a disastrous impact on biodiversity and natural ecosystems. Noxious weeds affect native plant species by out-competing native vegetation for light, water and soil nutrients. Noxious weeds cause estimated losses to producers \$2 to \$3 billion annually. These losses are attributed to: (1) Decreased quality of agricultural products due to high levels of competition from noxious weeds; (2) decreased quantity of agricultural products due to noxious weed infestations; and (3) costs to control and/or prevent the noxious weeds.

Further, noxious weeds can negatively affect livestock and dairy producers by making forage either unpalatable or toxic to livestock, thus decreasing livestock productivity and potentially increasing producers' feed and animal health care costs. Increased costs to operators are eventually borne by consumers.

Noxious weeds also affect recreational uses, and reduce realty values of both the directly influenced and adjacent properties.

Recent federal legislation has been enacted requiring state and county agencies to implement noxious weed control programs. Monies would be made available for these activities from the federal government, generated from the federal tax base. Therefore, all citizens and taxpayers of the United States are directly affected when noxious weed control prevention is not exercised.

### **3.7 Threatened or Endangered Species**

Under Section 7 of the Endangered Species Act of 1973 (as amended), the BLM is required to consult with the U.S. Fish and Wildlife Service on any proposed action which may affect Federal listed threatened or endangered species or species proposed for listing. The Roswell Field Office; Wildlife Biologist reviewed and determined the proposed action is in compliance with listed species management guidelines outlined in the 1997 Biological Assessment (Cons. #2-22-96-F-102). No further consultation with the Service is required.

There are no known threatened or endangered species of plant or animals within the project area. The list of federal threatened, endangered and candidate species reviewed for this EA can be found in Appendix 11 of the Roswell Approved RMP (AP11-2).

### **3.8 Wastes, Hazardous or Solid**

The operator will use the close loop system to drill this well. The cuttings will be trucked to an authorized disposal site.

### **3.9 Water Quality**

Surface:

Surface water within the area is affected by geology, precipitation, and water erosion. Factors that currently affect surface water resources include livestock grazing management, oil and gas development, recreational use and brush control treatments. Ephemeral surface water within the area may be located in tributaries, playas, alkali lakes and stock tanks. No perennial surface water is found on public land in the areas.

Ground:

Groundwater within the area is affected by geology and precipitation. Factors that currently affect groundwater resources in the area include livestock grazing management, oil and gas development, groundwater pumping and possible impacts from brush control treatments. State Engineers' water listing shows water for stock in the Quaternary Alluvium. The deepest expected usable water occurs to 200 ft. and above based on the top of the Rustler found on the log of the Pepper Federal No. 1 well in sec. 8

### **3.10 General Topography/Surface Geology**

The topographic characteristics and/or regional setting of the project area are: The area of the proposal has been highly developed in the oil and gas industry. The terrain has small hilly type topography that is typical of the area. The well pad is on the flatter side of the southerly aspect between 0-5% slopes.

### **3.11 Mineral Resources**

Construction material (caliche/gravel) for surfacing the access road and well pad could be obtained by the operator from a federal pit in the SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> of Section 34, T. 15 S., R. 29 E., or from abandoned oil and gas sites within Chaves County, New Mexico.

### **3.12 Paleontology**

This undertaking is unlikely to affect paleontological resources.

### 3.13 Soil

The *Soil Survey of Chaves County, New Mexico, Southern Part (USDA Soil Conservation Service 1980)* was used to describe and analyze impacts to soil from the proposed action. The soil map units represented in the project area are:

Tencee-Sotim association, 0 to 9 percent slopes (TS) For Tencee soil the hazard of water erosion is moderate and the hazard of soil blowing is slight. For Sotim soil the hazards of water erosion and soil blowing are moderate. Runoff is medium.

### 3.14 Watershed – Hydrology

The watershed and hydrology in the area is affected by land and water use practices. The degree to which hydrologic processes are affected by land and water use depends on location, extent, timing and the type of activity. Factors that currently cause short-lived alterations to the hydrologic regime in the area include livestock grazing management, recreational use activities, groundwater pumping and also oil and gas developments such as well pads, permanent and temporary roads, pipelines and powerlines.

### 3.15 Vegetation

This lease is within the Mixed Desert Shrub community as identified in the Roswell Resource Management Plan/Environmental Impact Statement (RMP/EIS). Appendix 11 of the Draft RMP/EIS describes the Desired Plant Community (DPC) concept and identifies the components of each community. Descriptions of these communities may be found in the Roswell Resource Management Plan, Pages 2-45 to 2-49.

Other shrubs which are potentially found in either the Mixed Desert Shrub community include catclaw mimosa (*Mimosa biuncifera*), apache plume (*Fallugia paradoxia*), cholla (*Opuntia imbricata*), sotol (*Dasylirion leiophyllum*), winterfat (*Eurotia lanata*), wolfberry (*Lycium berlandieri*), threadleaf groundsel (*Senecio longilobus*), mountain mahogany (*Cercocarpus montanus*), dalea species (*Dalea spp.*), sumac species (*Rhus spp.*), Bigelow sagebrush (*Artemisia bigelovii*), four-wing saltbush (*Atriplex canescens*), yerba-de pasmo (*Baccharis pteronioides*), ephedra species (*Ephedra spp.*), range ratany (*Krameria glandulosa*), javelinabush (*Condalia ericoides*), mesquite (*Prosopis glandulosa*) and creosote (*Larrea tridentata*).

The Ecological Site Description for the well pad and access road is [Sandy SD-3 (Southern Desertic Basins, Plains & Mountains)].

### 3.16 Livestock Grazing/Range

This proposed action is located on BLM grazing allotment #65075 Turkey Track. Current permitted use is 4,587 AU's (Animal Units) year-long @ 52% public land for 28,623 AUM's (Animal Unit Months). Cattle and horses are the class of livestock authorized.

### **3.17 Wildlife**

The vegetation found at this site provides habitat to a large range of wildlife species. Some of the common mammals are mule deer, pronghorn, badger, coyote, fox, jackrabbit, cottontails, kangaroo rats, and pocket gophers. It also provides habitat for a variety of grassland and desert birds. Important passerine birds include meadowlarks, horned larks, lark buntings, Cassin's sparrows, lark sparrows, Chihuahuan ravens, and loggerhead shrikes. Other birds include scaled quail, mourning doves, roadrunners, common nighthawks, killdeer, and a variety of raptors including red tailed and Swainson's hawks, northern harriers, great horned owls, and burrowing owls. It also provides habitat to a large variety of common lizards and snakes.

### **3.18 Special Status Species**

There are no known special status species in the project area.

In accordance with BLM Manual 6840, BLM manages certain sensitive species not federally listed as threatened or endangered in order to prevent or reduce the need to list them as threatened or endangered in the future. Included in this category are State listed endangered species and Federal candidate species which receive no special protections under the Endangered Species Act.

### **3.19 Visual Resources**

Visual Resource Management (VRM) on public land is conducted in accordance with BLM Handbook 8410 and BLM Manual 8411.

### **3.20 Recreation**

The area around the proposed action site is primarily used by recreational visitors engaged in hunting, caving, sight-seeing, driving for pleasure, off-highway vehicle use, and other recreational activities. Non-recreation visitors include oil and gas industrial workers and ranchers.

### **3.21 Cave/Karst**

No surface cave/karst features were observed in the immediate vicinity of the proposed actions. However, the proposed actions are located in the *Low Karst Potential Area*.

### **3.22 Public Health and Safety**

The project will not be detrimental to public health. The operator will insure that all phases of the project operations are conducted in workman like manner. Precautionary procedures and/or measures will be strictly adhered to in order provide a safe and sound working environment for the life of the well.

## 4.0 Environmental Consequences and Proposed Mitigation Measures

### No Action Alternative

Under the No Action Alternative, the proposed wells would not be drilled. There would be no new impacts from oil and gas production to the resources. The No Action Alternative would result in the continuation of the current land and resource uses in the project area and is used as the baseline for comparison of alternatives.

### Alternative B

Under Alternative B, the Proposed Action, the wells would be drilled as originally proposed, without changes to reduce the potential impact to the environment. A summary of potential surface disturbance is presented in Table 4.0. Description of potential impacts on individual resources for action alternative is presented in the following text. Also described are mitigation measures that could be incorporated by the BLM where appropriate as Conditions of Approval attached to the permit. Because the action now incorporates changes, this alternative will not be evaluated further in Chapter 4.

### Alternative C - Preferred Alternative

A summary of potential surface disturbance is presented in Table 4.0. Description of potential impacts on individual resources for action alternatives is presented in the following text. Also described are mitigation measures that could be incorporated by the BLM where appropriate as Conditions of Approval attached to the permit. The changes to the proposed action which resulted in development of Alternative C as the preferred alternative have reduced the potential impact to the environment which will result from this action.

The onsite revealed that the access road was staked diagonally from the existing road to the southwest corner of the well pad. By rerouting the access road from the existing road to the southeast corner of the well pad in a north/south direction, the new road would be shorter.

Table 4.0 Summary of Disturbance

Facility	Number of Miles	Acreage of Disturbance	Duration of Disturbance
Well Pad	-	2.1	Long Term
New Road Construction	0.23	0.88	Long Term
Road Improvement	0.55	2.06	Long Term

Short-term impacts are those which can be stabilized or mitigated rapidly (within 5 years).  
Long-term impacts are those that would substantially remain for more than 5 years.

## **4.1 Air Resources**

### **4.1.1 Direct and Indirect Effects**

#### **Air Quality**

Air quality would temporary be directly impacted with pollution from exhaust emissions, chemical odors, and dust that would be caused by the motorized equipment used to construct the access road, well pad, and by the drilling rig that will be used to drill the well. Dust dissemination would discontinue upon completion of the construction phase of the access road and well pad. Air pollution from the motorized equipment would discontinue at the completion of the drilling phase of the operations. The winds that frequent the southeastern part of New Mexico generally disperse the odors and emissions. The impacts to air quality would be greatly reduced as the construction and drilling phases are completed. Other factors that currently affect air quality in the area include dust from livestock herding activities, dust from recreational use, and dust from use of roads for vehicular traffic.

Over the last 10 years, the leasing of Federal oil and gas mineral estate in Roswell Field Office has resulted in an average total of 60 wells drilled on federal leases annually. These wells would contribute a small percentage of the total emissions (including GHG's) from oil and gas activities in New Mexico.

Potential impacts of development could include increased air borne soil particles blown from new well pads or roads, exhaust emissions from drilling equipment, compressors, vehicles, and dehydration and separation facilities, as well as potential releases of GHG and volatile organic compounds during drilling or production activities. The amount of increased emissions cannot be quantified at this time since it is unknown how many wells might be drilled, the types of equipment needed if a well were to be completed successfully (e.g. compressor, separator, dehydrator), or what technologies may be employed by a given company for drilling any new wells. The degree of impact will also vary according to the characteristics of the geologic formations from which production occurs.

The reasonable and foreseeable development scenario developed for the Roswell RMP demonstrated 60 wells would be drilled annually for Federal minerals. Current APD permitting trends within the field office confirm that these assumptions are still accurate. This level of exploration and production would contribute a small incremental increase in overall hydrocarbon emissions, including GHGs, released into the planet's atmosphere. When compared to total national or global emissions, the amount released as a result of potential production from the proposed lease tracts would not have a measurable effect on climate change due to uncertainty and incomplete and unavailable information.

Consumption of oil and gas developed from the proposed well is expected to produce GHGs. Consumption is driven by a variety of complex interacting factors including energy costs, energy efficiency, availability of other energy sources, economics, demography, and weather or climate.

## **Climate**

The assessment of GHG emissions and climate change is in its formative phase. It is currently not feasible to know with certainty the net impacts from the proposed action on climate. The inconsistency in results of scientific models used to predict climate change at the global scale coupled with the lack of scientific models designed to predict climate change on regional or local scales, limits the ability to quantify potential future impacts of decisions made at this level. When further information on the impacts to climate change is known, such information would be incorporated into the BLM's planning and NEPA documents as appropriate.

### **4.1.2 Mitigation**

The EPA's inventory data breaks down the total US sources of GHG gases by major categories that include "Natural Gas Systems" and "Petroleum Systems." The inventory lists the contributions of natural gas and petroleum systems to total CO<sub>2</sub> and CH<sub>4</sub> emissions (natural gas and petroleum systems do not produce significant amounts of any of the other greenhouse gases). For Natural Gas Systems, the EPA categorizes emissions from distinct stages of the larger category of natural gas systems. These stages include field production, processing, transmission and storage, and distribution. The BLM has regulatory jurisdiction only over field production. Petroleum Systems sub-activities include production field operations, crude oil transportation, and crude oil refining. Within the petroleum systems emission categories, the BLM has authority to regulate production field operations.

The BLM's regulatory jurisdiction over field production of Natural Gas Systems and production field operations of Petroleum Systems has resulted in the development of "Best Management Practices (BMPs)" designed to reduce impacts to air quality by reducing all emissions from field production and operations. The future development of the lease parcels may be subject to appropriate conditions of approval (COAs) to reduce or mitigate GHG emissions. This may occur at the project level through additional analysis. Specific measures developed at the project stage would be incorporated as COAs in the approved APD, and are binding on the operator. Typical measures may include: flare hydrocarbon and gases at high temperatures in order to reduce emissions of incomplete combustion; water dirt roads during periods of high use in order to reduce fugitive dust emissions; require that vapor recovery systems be maintained and functional in areas where petroleum liquids are stored; and re-vegetate areas of the pad not required for production facilities to reduce the amount of dust from the pads.

The EPA data show that improved practices and technology and changing economics have reduced emissions from oil and gas exploration and development (Inventory of US Greenhouse Gas Emissions and Sinks: 1990-2006). One of the factors in this improvement is the adoption by industry of the Best Management Practices proposed by the EPA's Natural Gas Energy Star program. The Roswell Field Office will work with industry to facilitate the use of the relevant BMPs for operations proposed on federal mineral leases where such mitigation is consistent with agency policy.



## **4.2 Land Use**

### Existing Rights-of-Way:

#### **4.2.1 Direct and Indirect Impacts**

The new construction of an access road to the well pad will cross over one existing buried pipeline granted under MLA Right-of-way NM-53766. This right-of-way grants a 50 foot wide right-of-way for a buried 3 inch diameter gas pipeline.

#### **4.2.2 Mitigation**

Precautionary measures shall be taken by the operator during construction of the access road to protect an existing pipeline that the access road will cross over. An earthen berm; 2 feet high by 3 feet wide and 14 feet across the access road travelway shall be constructed over the existing pipeline. The operator shall be held responsible for any damage to the existing pipeline. If the either pipeline is ruptured and/or damaged the operator shall immediately cease construction operations and repair the pipeline. The operator shall be held liable for any unsafe construction operations that threaten human life and/or cause the destruction of equipment.

## **4.3 Cultural Resources**

#### **4. 3.1 Direct and Indirect Impacts**

A cultural resource inventory was conducted for the area of effect (08-R-101-A), one Historic Property was identified LA160335. LA160335 is located along an existing caliche road which will be used to access the Blue Bomber Fed #1.

#### **4.3.2 Mitigation**

No access road improvements and/or maintenance are authorized beginning 100 feet before archaeological site LA 160335, through archaeological site LA 160335, and until 100 feet past archaeological site LA 160335. Three day notice is required prior to commencement of pre-construction activities, road maintenance or improvements (contact: Rebecca Hill 575-627-0218 or Pat Flanary 575-627-0277). At that time the exclusion area will marked with florescent pink flagging tape.

## **4.4 Native American Religious Concerns**

To date, the area to be affected by project construction has not been identified by interested tribes as being of tribal concern.

## **4.5 Environmental Justice**

### **4.5.1 Direct and Indirect Impacts**

No minority or low income populations would be directly affected in the vicinity of the proposed action. Indirect impacts could include impacts due to overall employment opportunities related to the oil and gas and service support industry in the region, as well as the economic benefits to State and County governments related to royalty payments and severance taxes. Other impacts could include a small increase in activity and noise disturbance in areas used for grazing, wood gathering or hunting. However, these impacts would apply to all public land users in the project area.

## **4.6 Invasive, Non-native Species**

### **4.6.1 Direct and Indirect Impacts**

The construction of an access road and well pad may unintentionally contribute to the establishment and spread of noxious weeds. Noxious weed seed could be carried to and from the project areas by construction equipment, the drilling rig and transport vehicles. The main mechanism for seed dispersion on the road and well pad is by equipment and vehicles if they were previously used and or driven across or through noxious weed infested areas. The potential for the dissemination of invasive and noxious weed seed may be elevated by the use of construction equipment typically contracted out to companies that may be from other geographic areas in the region. Washing and decontaminating the equipment prior to transporting onto and exiting the construction areas would minimize this impact.

Impacts by noxious weeds will be minimized due to requirements for the company to eradicate the weeds upon discovery. Multiple applications may be required to effectively control the identified populations.

### **4.6.2 Mitigation**

In the event noxious weeds are discovered after the construction of the access road and well pad, measures will be taken to mitigate those impacts.

## **4.7 Water Quality**

### **Surface**

#### **4.7.1A Direct and Indirect Impacts**

Surface disturbance from the construction of the well pad and access road can result in degradation of surface water quality and groundwater quality from non-point source pollution, increased soil losses, and increased gully erosion.

Potential direct impacts that would occur due to construction of the well pad and access road include increased surface water runoff and off-site sedimentation brought about by soil disturbance; increased salt loading and water quality impairment of surface waters; channel morphology changes due to road and pipeline crossings; and possible contamination of surface waters by produced water. The magnitude of these impacts to water resources would depend on the proximity of the disturbance to the drainage channel, slope aspect and gradient, degree and area of soil disturbance, soil character, duration and time within which construction activity would occur, and the timely implementation and success or failure of mitigation measures.

Direct impacts would likely be greatest shortly after the start of construction activities and would likely decrease in time due to natural stabilization, and reclamation efforts. Construction activities would occur over a relatively short period; therefore, the majority of the disturbance would be intense but short lived. Direct impacts to surface water quality would be minor, short-term impacts which may occur during storm flow events. Indirect impacts to water-quality related resources, such as fisheries, would not occur.

Petroleum products and other chemicals, accidentally spilled, could result in surface and groundwater contamination. Similarly, possible leaks from reserve and evaporation pits could degrade surface and ground water quality. Authorization of the proposed projects would require full compliance with BLM directives and stipulations that relate to surface and groundwater protection.

#### **4.7.2A Mitigation**

Spills or produced fluids (e.g., saltwater, oil, and/or condensate in the event of a breach, overflow, or spill from storage tanks) could result in contamination of the soil onsite, or offsite, and may potentially impact surface and groundwater resources in the long term.

### **B. Groundwater**

#### **4.7.1B Direct and Indirect Impacts**

In addition to the above, while drilling the surface hole contamination could result in contamination by salt water aquifers and toxic muds or brine used as the drilling medium. If oil were encountered contaminate may occur in any useable water zones penetrated by the borehole.

#### **4.7.2B Mitigation**

The casing and cementing requirements imposed on the proposed well would reduce or eliminate the potential for groundwater contamination from drilling muds and other surface sources. The proposal for the surface casing as originally submitted did not agree with our depth for surface casing. Mr. Jerry Sherrell (Mack Energy) was contacted on 11/8/07 to inform them to either set it at 200 ft in the 1<sup>st</sup> 25 feet of Rustler wherever this occurs.

If the surface casing depth is not in competent bedrock the operator will have to drill to a depth where competent bedrock is thick enough (i.e. at least 15ft.) This can be accomplished by

correlating rate of penetration on the geolograph to the geophysical logs of nearby wells. Both the record of penetration in feet /minute from surface casing setting depth to the surface and a gamma ray- neutron log to the surface will be submitted to this office

## **4.8 General Topography/Surface Geology**

The surface disturbance anticipated from the construction of the well pad and access road would have minimal impacts on the area of the operations. No major land or soil displacement would occur from the cradle to grave operations associated with construction of the access road and well pad.

### **4.8.1 Direct and Indirect Impacts**

Direct impacts would result from the removal of the surface soils (topsoil) during construction of the well pad and access road. The consequential earth moving activities would indirectly impact the vegetation and would cause the fragmentation of the surface habitat where small animals live in the project area.

### **4.8.2 Mitigation**

The inclusion of mitigation measures to conserve the landscape as much as possible in the Conditions of Approval would lessen the impacts from the surface disturbance activities on this project.

## **4.9 Soil**

### **4.9.1 Direct and Indirect Impacts**

The construction of the access road and well pad would physically disturb the topsoil and would expose the substratum soil. (See -Table 4.0 for Summary of Disturbance).

Direct impacts resulting from the oil and gas construction of the well pad and access road include removal of vegetation, exposure of the soil, mixing of horizons, compaction, loss of top soil productivity and susceptibility to wind and water erosion. Wind erosion would be expected to be a minor contributor to soil erosion with the possible exception of dust from vehicle traffic. These impacts could result in increased indirect impacts such as runoff, erosion and off-site sedimentation. Activities that could cause these types of indirect impacts include construction and operation of well sites, access roads, gas pipelines and facilities.

Contamination of soil from drilling and production wastes mixed into soil or spilled on the soil surfaces could cause a long-term reduction in site productivity. Some of these direct impacts can be reduced or avoided through proper design, construction and maintenance and implementation of best management practices.

Additional soil impacts associated with lease development would occur when heavy precipitation causes water erosion damage. When water saturated segment(s) on the access road become

impassable, vehicles may still be driven over the road. Consequently, deep tire ruts would develop. Where impassable segments are created from deep rutting, unauthorized driving may occur outside the designated route of the access road.

#### 4.9.2 Mitigation

The operator shall stockpile the topsoil from the surface of the well pad which will be used for surface reclamation of the well pad. The impact to the soil would be remedied upon reclamation of the well pad when the stockpiled soil that was specifically conserved to establish a seed bed is spread over the well pad and vegetation re-establishes.

Upon abandonment of the well and/or when the access road is no longer in service the Authorized Officer shall issue instructions and/or orders for surface reclamation/restoration of the disturbed areas as described in the attached Conditions of Approval.

Road constructions requirements and regular maintenance would alleviate potential impacts to the access road from water erosion damage.

### 4.10 Watershed - Hydrology

#### 4.10.1 Direct and Indirect Impacts

Construction and surface disturbance activities from the construction of the well pad and access road can result in long term and short term alterations to the hydrologic regime. Peak and low flow of perennial streams, ephemeral, and intermittent rivers and streams would be directly affected by an increase in impervious surfaces resulting from the construction of the well pad and road. The potential hydrologic effects to peak flow is reduced infiltration where surface flows can move more quickly to perennial or ephemeral rivers and streams, causing peak flow to occur earlier and be larger. Increased magnitude and volume of peak flow can cause bank erosion, channel widening, downward incision and disconnection from the floodplain. The potential hydrologic effects to low flow is reduced surface storage and groundwater recharge, resulting in reduced baseflow to perennial, ephemeral, and intermittent rivers and streams. The direct impact would be that hydrologic processes may be altered where the perennial, ephemeral, and intermittent river and stream system responds by changing physical parameters, such as channel configuration. These changes may in turn impact chemical parameters and ultimately the aquatic ecosystem.

Long-term direct and indirect impacts to the watershed and hydrology would continue for the life of the well and would decrease once all well pad and road surfacing material has been removed and reclamation of the well pad and access road has taken place. Short term direct and indirect impacts to the watershed and hydrology from access roads that are not surfaced with material would occur and would likely decrease in time due to reclamation efforts.

#### 4.10.2 Mitigation

The operator will stockpile the topsoil from the surface of the well pad which will be used for surface reclamation of the well pad. Upon abandonment of the wells and/or when the access road is no longer in service the Authorized Officer will issue instructions and/or orders for surface reclamation/restoration of the disturbed areas as described in the attached Conditions of Approval.

### **4.11 Vegetation**

#### 4.11.1 Direct and Indirect Impacts

The construction of the access road and well pad would remove native vegetation. (See - Table 4.0 for Summary of Disturbance).

If it is a producing well, reclamation would not commence until the well is a depleted producer and plugged and abandoned. Vegetative recovery on the access road and well pad would depend on life of the well. Native vegetation would encroach on the well pad over time with only high traffic areas remaining un-vegetated. If drilled as a dry hole and plugged, reclamation of the well pad and access road would immediately follow. Vegetative impacts would be short-term when the access road and well pad re-vegetate within a few years, and reclamation of the well pad and access road are successful.

#### 4.11.2 Mitigation

No impact to vegetation is anticipated. However measures will be taken in the event impacts to vegetation are found.

### **4.12 Livestock Grazing/Range**

#### 4.12.1 Direct and Indirect Impacts

There would be some minor disruption of livestock grazing in the pasture, specifically on the well pad, during the construction and drilling phase of the well. Vehicle traffic would increase in the area, which may lead to conflicts with livestock.

#### 4.12.2 Mitigation

If any conflicts with livestock do arise as a result of the access road and well pad construction, mitigation measures will be taken, and consultation with the allottee will mitigate those impacts.

## **4.13 Wildlife**

### **4.13.1 Direct and Indirect Impacts**

Some small wildlife species may be killed and their dens or nests destroyed during construction of the access road and well pad. The construction of the access road and well pad could cause fragmentation of wildlife habitat. The short-term negative impact to wildlife would occur during the construction phase of the operations would be due to noise and habitat destruction. In general, most wildlife species would become habituated to the new facilities. For other wildlife species with a low tolerance to activities, the operations on the well pad would continue to displace wildlife from the areas due to ongoing disturbances such as vehicle traffic and equipment maintenance. Upon abandonment of the wells, the areas would re-vegetate and wildlife would return to previous levels.

### **4.13.2 Mitigation**

The conditions of approval would alleviate most losses of wildlife species, such as; netting storage tanks, installation or other modifications of cones on separator stacks, and timing stipulations.

## **4.14 Recreation**

Oil and gas activities would have little or no affect on recreational opportunities within this area. Large blocks of public land would allow recreationist to use public land and avoid the oil and gas facilities within the area.

### **4.14.1 Direct and Indirect Impacts - None**

### **4.14.2 Mitigation - None**

## **4.15 Visual Resources**

The objective of Class IV is to: “Provide for management activities which require major modification of the existing landscape character...Every attempt, however, should be made to reduce or eliminate activity impacts through careful location, minimal disturbance, and repeating the basic landscape elements.”

Through color manipulation, by painting well facilities to blend with the rolling to flat vegetative and/or landform setting with a gray-green to brownish color, the view is expected to favorably blend with the form, line, color and texture of the existing landscape. The flat color **Juniper Green** from the standard environmental colors also closely approximates the brownish color of the setting. All facilities, including the meter building, would be painted this color.

Cumulative adverse visual impacts can be avoided by gradually moving into a more appropriate vegetative/landform setting color scheme.

#### 4. 15.1 Direct and Indirect Impacts

Through color manipulation, by painting well facilities to blend with the rolling to flat vegetative and/or landform setting with a gray-green to brownish color, the view is expected to favorably blend with the form, line, color and texture of the existing landscape

#### 4.15.2 Mitigation

The color Juniper Green from the Standard Environmental Colors Chart is to be used on all facilities to closely approximate the vegetation within the setting. All facilities, including the meter building, would be painted this color.

### **4.16 Cave/Karst**

There would be no impact to known cave entrances, or karst features within the areas of the proposed actions. The proposed action is located in a low karst potential area.

#### 4. 16.1 Direct and Indirect Impacts - None

#### 4. 16.2 Mitigation - None

### **4.17 Public Health and Safety**

#### 4.17.1 Direct and Indirect Impacts

The construction and drilling operations will be conducted in a safe workman like manner and no impacts are anticipated to occur when the operations are conducted in a professional constructive manner.

#### 4.17.2 Mitigation - non-required

### **4.18 Cumulative Impacts**

The leased area of the proposed action has been industrialized with oil and gas well development. The surface disturbance for each project that has been permitted has created a spreading out of land use fragmentation. The cumulative impacts fluctuate with the gradual reclamation of well abandonments and the creation of new additional surface disturbances in the construction of new access roads and well pads. The on-going process of restoration of abandonments and creating new disturbances for drilling new wells gradually accumulates as the minerals are extracted from the land. Preserving as much land as possible and applying appropriate mitigation measures will alleviate the cumulative impacts.



Due to the absence of regulatory requirements to measure GHG emissions and the variability of oil and gas activities on federal minerals, it is not possible to accurately quantify potential GHG emissions in the affected areas as a result of making the proposed tracts available for leasing. Some general assumptions however can be made: leasing the proposed tracts may contribute to drilling new wells.

The New Mexico Greenhouse Gas Inventory and Reference Case Projection 1990-2020 estimates that totals approximately 19.6 million metric tons of both CO<sub>2</sub> and CH<sub>4</sub> emissions are produced each year by oil and natural gas production, processing, transmission and distribution. Of the 19.4 million metric tons, approximately 17.3 million metric tons can be attributed to natural gas activities and 2.3 million metric tons can be attributed to oil production.

Existing oil and gas wells in the Roswell Field Office account for approximately 11 percent of the total wells in New Mexico. Therefore, GHG emissions from all wells within the field office amount to approximately 2.134 metric tons annually ( $19.4 \text{ mmt} \times 0.11 = 2.134 \text{ mmt}$ ). Federal oil and gas wells amount to approximately 40 percent of the wells within the field office (see Appendix 7 of the 2006 Draft Special Status Species RMP Amendment.). Annual GHG emissions from federal oil and gas wells are approximately 0.85 metric tons ( $2.134 \text{ mmt} \times 0.4 = 0.85 \text{ mmt}$ ).

These totals, when compared to the estimates used for the cumulative analysis previously referenced, show that wells drilled on federal leases wells may be expected to produce approximately 4.4 percent of the GHG emissions produced from wells drilled in New Mexico. This amount of GHG emissions represents a small, incremental contribution to the total emissions and is also insignificant when compared to global GHG emission levels. This small incremental contribution to global GHG gases cannot be translated into incremental effects on climate change globally or in the area of these site-specific actions. As oil and gas and natural gas production technology continues to improve in the future, one assumption is that it may be feasible to further reduce GHG emissions.

The lack of scientific tools designed to predict climate change on regional or local scales limits the ability to quantify potential future impacts. However, potential impacts to natural resources and plant and animal species due to climate change are likely to be varied, including those in the southwestern United States. For example, if global climate change results in a warmer and drier climate, increased particulate matter impacts could occur due to increased windblown dust from drier and less stable soils. Cool season plant species' spatial ranges are predicted to move north and to higher elevations, and extinction of endemic threatened/endangered plants may be accelerated.

Due to loss of habitat or competition from other species whose ranges may shift northward, the population of some animal species may be reduced or increased. Less snow at lower elevations would likely impact the timing and quantity of snowmelt, which, in turn, could impact water resources and species dependant on historic water conditions. Forests at higher elevations in New Mexico, for example, have been exposed to warmer and drier conditions over a ten year period. Should the trend continue, the habitats and identified drought sensitive species in these forested areas and higher elevations may also be more affected by climate change.

While it is likely that there will be no significant cumulative impact from the proposed actions, continued oil and gas development, and other surface-disturbing activities in these areas, may potentially have negative cumulative impacts on vegetation, soil, water, livestock, wildlife and visual resources.

#### **4.18.1 Residual Impacts**

Direct impacts to the local environment detailed above remain throughout the life of the proposed operation; however, these impacts would be substantially reduced by mitigation measures.

#### **4.18.2 Mitigation Measures**

Mitigation measures have been identified and have been incorporated into stipulations and are made part of the permit. These measures include but are not limited to dust control, noxious weed control, road construction, maintenance, and termination.

### **5.0 Consultation/Coordination**

This section includes individuals or organizations from the public and its' users, the interdisciplinary team, and permittees that were contacted during the development of this document.

Table 5.1 Summary of Public Contacts Made During Preparation of Document and Interdisciplinary Team

Public Contact	Title	Organization	Present at Onsite?
Jerry Sherrel Sr.	Regulatory Agent	Mack Energy	Yes
ID Team Member	Title	Organization	Present at Onsite?
Richard G. Hill	Environmental Protection Specialist	RFO	Yes
Michael McGee	Hydrologist	RFO	Yes
Dan Baggao	Wildlife Biologist	RFO	Yes
Brian Novosak	Natural Resource Spec.	RFO	Yes

### **6.0 Appendices**

The Roswell Field Office; Well Location Map (Exhibit A), Pecos District-RFO, Conditions of Approval (Exhibit B) and the special requirements derived from this EA, would be applied to this proposed action to minimize the surface disturbance and conserve the surrounding landscape.

## **6.1.0 References**

EPA Inventory of US Greenhouse Gas Emissions and Sinks: 1990-2006. Environmental Protection Agency, Washington, D.C.

EPA, Natural Gas Star Program (2006 data) at: <http://www.epa.gov/gasstar/accomplish.htm>. Environmental Protection Agency, Washington, D.C.

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National Academy of Sciences. 2006. Understanding and Responding to Climate Change: Highlights of National Academies Reports. Division on Earth and Life Studies. National Academy of Sciences. Washington, D.C. (Available on the Internet: <http://dels.nas.edu/basc/Climate-HIGH.pdf>.)

US Government Accountability Office Report "Climate Change, Agencies Should Develop Guidance for Addressing the Effects on Federal Land and Water Resources" GAO-07-863, August 2007 (1st paragraph, 1st page, GAO Highlights) at: <http://www.gao.gov/news.items/d07863.pdf>.

U.S. Department of the Interior, Bureau of Land Management. 1997. Roswell Proposed Resource Management Plan and Final Environmental Impact Statement. Roswell, New Mexico.

U.S. Department of the Interior, Bureau of Land Management. 1997. Roswell Approved Resource Management and Plan Record of Decision. Roswell, New Mexico.

U.S. Department of the Interior, Bureau of Land Management. 2008. Special Status Species Resource Management Plan Amendment and Record of Decision. Roswell, New Mexico.

### **6.1.1 APD - Attached**

### **6.1.2 Authorities**

Code of Federal Regulations (CFR)

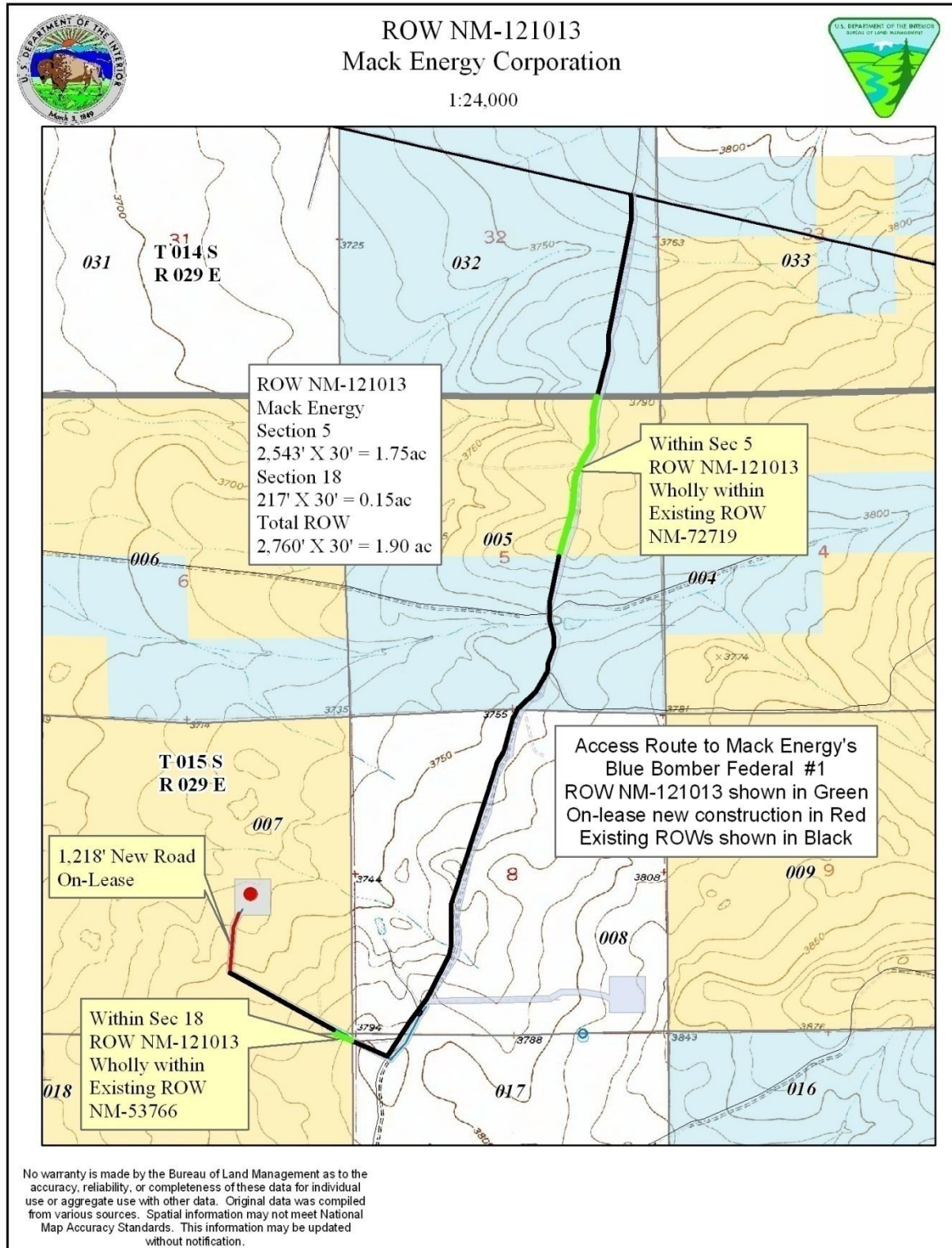
40 CFR All Parts and Sections inclusive Protection of Environment, Revised as of July 1, 2001.

43 CFR, All Parts and Sections inclusive - Public Lands: Interior. Revised as of October 1, 2000.

U.S. Department of the Interior, Bureau of Land Management and Office of the Solicitor (editors). 2001. The Federal Land Policy and Management Act, as amended. Public Law 94-579.

### **6.1.3 Other Supporting Information**

# Exhibit A Well Location Map



**Exhibit B  
PECOS DISTRICT  
ROSWELL FIELD OFFICE  
CONDITIONS OF APPROVAL**

**10/06/2008**

Blue Bomber Federal #1 Oil Well  
2310' FSL & 1650' FEL,  
Unit J, Section 7, T15S-R29E,  
Chaves County, New Mexico, N.M.P.M.  
Mack Energy Corporation  
NM-101106

**GENERAL PROVISIONS**

The approval of the Application For Permit To Drill (APD) is in compliance with all applicable laws and regulations: 43 Code of Federal Regulations 3160, the lease terms, Onshore Oil and Gas Orders, Notices To Lessees, New Mexico Oil Conservation Division (NMOCD) Rules, National Historical Preservation Act As Amended, and instructions and orders of the Authorized Officer. Any request for a variance shall be submitted to the Authorized Officer on Form 3160-5, Sundry Notices and Report on Wells.

**I. PERMIT EXPIRATION**

If the permit terminates prior to drilling and drilling cannot be commenced within 60 days after expiration, an operator is required to submit Form 3160-5, Sundry Notices and Reports on Wells, requesting surface reclamation requirements for any surface disturbance. However, if the operator will be able to initiate drilling within 60 days after the expiration of the permit, the operator must have set the conductor pipe in order to allow for an extension of 60 days beyond the expiration date of the APD (Filing of a Sundry Notice is required for this 60 day extension).

**II. ARCHAEOLOGICAL, PALEONTOLOGY & HISTORICAL SITES**

No access road improvements and/or maintenance are authorized beginning 100 feet before archaeological site LA 160335, through archaeological site LA 160335, and until 100 feet past archaeological site LA 160335. Three day notice is required prior to commencement of pre-construction activities, road maintenance or improvements (contact: Rebecca Hill 575-627-0218 or Pat Flanary 575-627-0277). At that time the exclusion area will marked with florescent pink flagging tape.

Any cultural and/or Paleontological resource discovered by the operator or by any person working on the operator's behalf shall immediately report such findings to the Authorized Officer. The operator is fully accountable for the actions of their contractors and subcontractors. The operator shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery shall

be made by the Authorized Officer to determine the appropriate actions that shall be required to prevent the loss of significant cultural or scientific values of the discovery. The operator shall be held responsible for the cost of the proper mitigation measures that the Authorized Officer assesses after consultation with the operator on the evaluation and decisions of the discovery. Any unauthorized collection or disturbance of cultural or Paleontological resources may result in a shutdown order by the Authorized Officer.

### **III. NOXIOUS WEEDS**

The operator shall be held responsible if noxious weeds become established within the areas of operations (access road and/or well pad). Weed control shall be required on the disturbed land where noxious weeds exist, which includes the roads, pads, associated pipeline corridor, and adjacent land affected by the establishment of weeds due to this action. The operator shall consult with the Authorized Officer for acceptable weed control methods, which include following EPA and BLM requirements and policies.

### **IV. CONSTRUCTION**

#### **A. NOTIFICATION:**

The BLM shall administer compliance and monitor construction of the access road and well pad. Notify the Roswell Field Office at (505) 627-0247 at least 3 working days prior to commencing construction of the access road and/or well pad.

When construction operations are being conducted on this well, the operator shall have the approved Application for Permit to Drill and Conditions of Approval on the well site and they shall be made available upon request by the Authorized Officer.

#### **B. TOPSOIL:**

The operator shall stockpile the topsoil of the well pad. The topsoil to be stripped to approximately 6 inches in depth. The topsoil shall be used for interim and final reclamation of the well pad. The topsoil shall be stockpiled to the side of the well pad.

#### **C. CLOSED LOOP SYSTEM: No reserve pit will be used.**

A containment structure or earthen dike shall be constructed and maintained around all sides of the outside boundary of the well pad. The containment structure or earthen dike shall be constructed two (2) feet high (the containment structure or earthen dike can be constructed higher than the two (2) feet high minimum). The containment structure or earthen dike is required so that if oilfield waste contaminant or product contaminant were leaked, spilled, and or released upon the well pad the oilfield waste contaminant or product contaminant shall be contained on the well pad. If the well pad is constructed into a cut on a slope then the uphill side of the well pad will not require the construction of the containment structure or earthen dike, but the construction of the containment structure or dike will be required on the remaining three sides of the well pad which will extend into the uphill portion of the well pad.

#### **D. FEDERAL MINERAL MATERIALS PIT:**

If the operator elects to surface the access road and/or well pad, mineral materials extracted during construction of the reserve pit may be used for surfacing the well pad and access road and other facilities on the lease.

Payment shall be made to the BLM prior to removal of any additional federal mineral materials from any site other than the reserve pit. Call the Roswell Field Office at (505) 627-0236.

#### **E. WELL PAD SURFACING:**

Surfacing of the well pad is not required.

If the operator elects to surface the well pad, the surfacing material may be required to be removed at the time of reclamation.

The well pad shall be constructed in a manner which creates the smallest possible surface disturbance, consistent with safety and operational need.

#### **F. ACCESS ROADS:**

##### **Road Width**

The access road shall have a driving surface that creates the smallest possible surface disturbance and does not exceed fourteen (14) feet in width. The maximum width of surface disturbance, when constructing the access road, shall not exceed thirty (30) feet.

##### **Surfacing**

Surfacing material is not required on the new access road driving surface. If the operator elects to surface the new access road or pad, the surfacing material may be required to be removed at the time of reclamation.

Where possible, no improvements should be made on the un-surfaced access road other than to remove vegetation as necessary, road irregularities, safety issues, or to fill low areas that may sustain standing water.

The Authorized Officer reserves the right to require surfacing of any portion of the access road at any time deemed necessary. Surfacing may be required in the event the road deteriorates, erodes, road traffic increases, or it is determined to be beneficial for future field development. The surfacing depth and type of material will be determined at the time of notification.

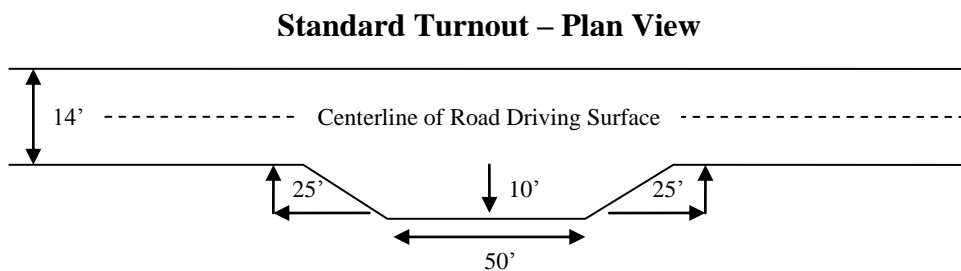


## Crowning

Crowning shall be done on the access road driving surface. The road crown shall have a grade of approximately 2% (i.e., a 1" crown on a 14' wide road). The road shall conform to Figure 1; cross section and plans for typical road construction.

## Turnouts

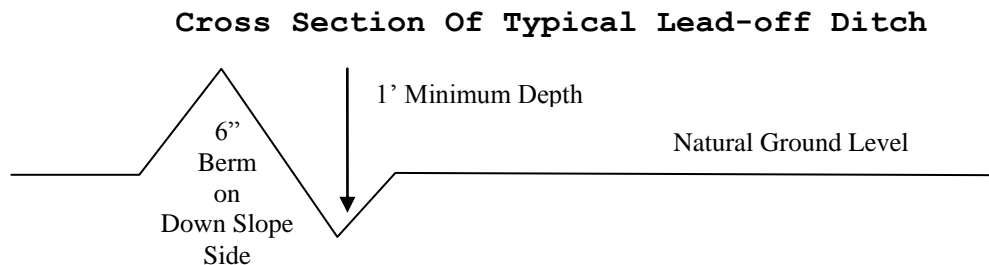
Vehicle turnouts shall be constructed on the road. Turnouts shall be intervisible with interval spacing distance less than 1000 feet. Turnouts shall be constructed on all blind curves. Turnouts shall conform to the following diagram:



## Drainage

Drainage control systems shall be constructed on the entire length of road (e.g. ditches, sidehill outsloping and insloping, lead-off ditches, culvert installation, and low water crossings).

A typical lead-off ditch has a minimum depth of 1 foot below and a berm of 6 inches above natural ground level. The berm shall be on the down-slope side of the lead-off ditch.



All lead-off ditches shall be graded to drain water with a 1 percent minimum to 3 percent maximum ditch slope. The spacing interval are variable for lead-off ditches and shall be determined according to the formula for spacing intervals of lead-off ditches, but may be amended depending upon existing soil types and centerline road slope (in %);

### **Formula For Spacing Interval Of Lead-off Ditches**

Example - On a 4% road slope that is 400 feet long, the water flow shall drain water into a lead-off ditch. Spacing interval shall be determined by the following formula:

$$400 \text{ foot road with } 4\% \text{ road slope: } \frac{400'}{4\%} + 100' = 200' \text{ lead-off ditch interval}$$

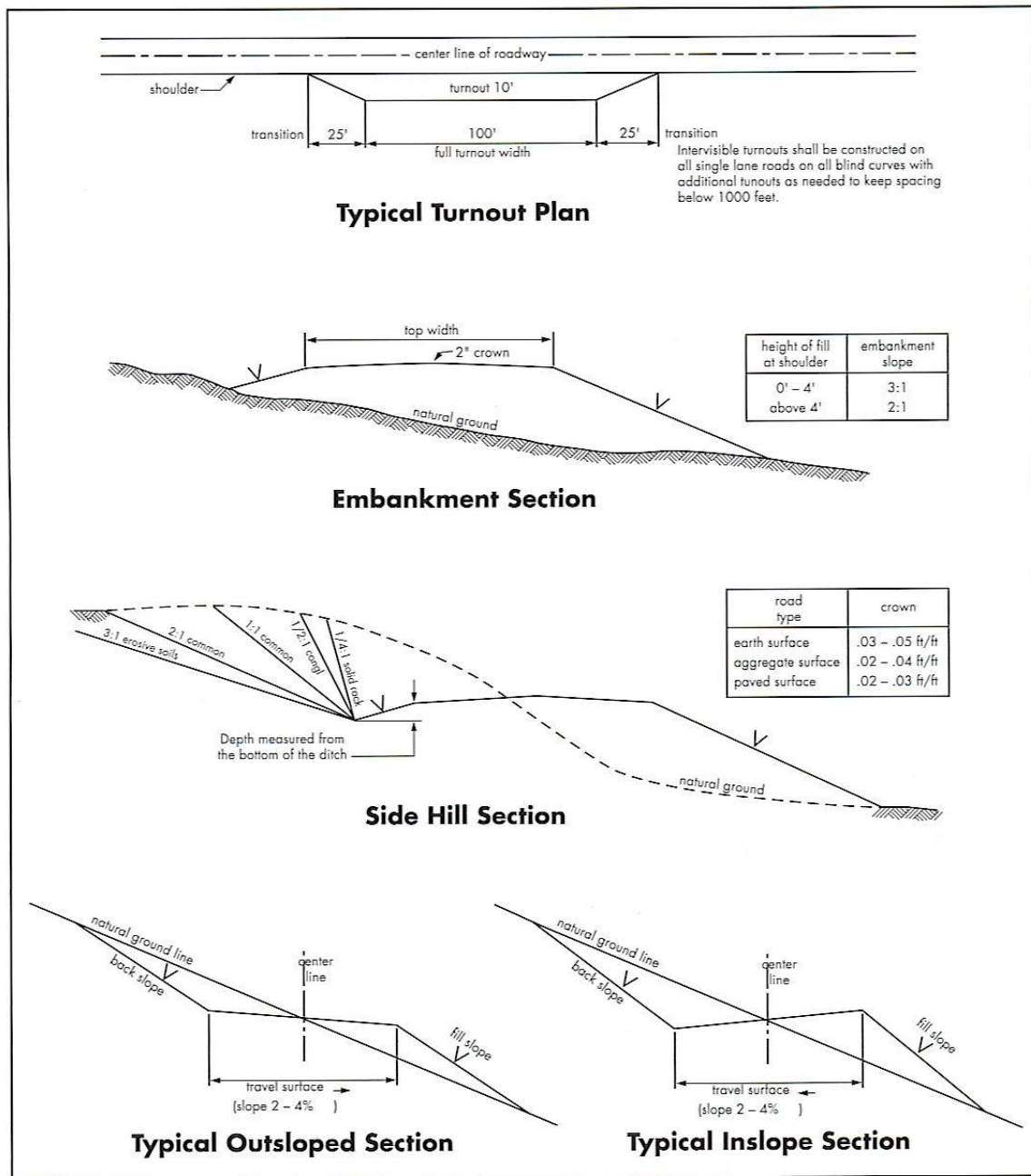
### **Public Access**

Public access on this road shall not be restricted by the operator without specific written approval granted by the Authorized Officer.

### **Pipeline Protection Requirement**

Precautionary measures shall be taken by the operator during construction of the access road to protect an existing pipeline that the access road will cross over. An earthen berm; 2 feet high by 3 feet wide and 14 feet across the access road travelway shall be constructed over the existing pipeline. The operator shall be held responsible for any damage to the existing pipeline. If the either pipeline is ruptured and/or damaged the operator shall immediately cease construction operations and repair the pipeline. The operator shall be held liable for any unsafe construction operations that threaten human life and/or cause the destruction of equipment.

**Figure 1 – Cross Sections and Plans For Typical Road Sections**



## **V. DRILLING**

### **A. DRILLING OPERATIONS REQUIREMENTS**

1. Call the Roswell Field Office, 2909 West Second St., Roswell, NM 88201. During office hours call (575) 627-0205 or after office hours call (575) 910-6024. Engineer on call during office hours call (575) 627-0275 or after office hours call (575) 626-5749.

2. The Roswell Field Office is to be notified a minimum of 24 hours in advance for a representative to witness:

a. Spudding

b. Cementing casing: 8-5/8 inch 5-1/2 inch

The Roswell Field Office is to be notified a minimum of 4 hours in advance for a representative to witness:

#### **BOPE Tests**

3. Unless the production casing has been run and cemented or the well has been properly plugged, the drilling rig shall not be removed from over the hole without prior approval.

4. Include the API No. assigned to well by NMOCD on the subsequent report of setting the first casing string.

The operator will be required to have a geolograph or some other device to accurately measure the drilling rate in order to set surface casing shoe opposite competent rock Onshore Order No. 2. III. B . The record of the drilling rate along with the gamma ray-neutron well log run to surface will be submitted to this office as well as all other logs run on the on the borehole CFR 3162.4-1(a) and (b).

### **B. CASING:**

1. The 8-5/8 inch surface casing shall be set at approximately 200 feet if the rock is competent. If not the operator will be required to set surface casing in the next thick competent bedding (i.e. 15 to 25 ft or greater) encountered and cemented to the surface.

a. If cement does not circulate to the surface, the Roswell Field Office shall be notified and a temperature survey utilizing an electronic type temperature survey with a surface log readout will be used or a cement bond log shall be run to verify the top of the cement.

b. Wait on cement (WOC) time for a primary cement job will be a minimum 18 hours for a water basin or 500 pounds compression strength, whichever is greater. (This is to include the lead cement).

- c. Wait on cement (WOC) time for a remedial job will be a minimum of 4 hours after bringing cement to surface or 500 pounds compression strength, whichever is greater.
- d. If cement falls back, remedial action will be done prior to drilling out that string.
2. The minimum required fill of cement behind the 5-1/2 inch production casing is sufficient to tie back 500 feet above the uppermost perforation in the pay zone. If cement does not circulate, a temperature survey utilizing an electronic type temperature survey with a surface log readout will be used or a cement bond log shall be run to verify the top of the cement.
3. If hardband drill pipe is rotated inside casing, returns will be monitored for metal. If metal is found in samples, drill pipe will be pulled and rubber protectors which have a larger diameter than the tool joints of the drill pipe will be installed prior to continuing drilling operations.
4. All casing shall be new or reconditioned and tested casing and meet API standards for new casing. The use of reconditioned and tested casing shall be subject to approval by the authorized officer. Approval will be contingent upon the wall thickness of any casing being verified to be at least 87-1/2 per cent of the nominal wall thickness of new casing. In a Sundry Notice submitted August 20, 2008, the operator is proposing a casing program of mixed pipe run for 8 5/8" surface casing J55-24#, J55-32#, K55-24#, and K55-32#.

### **C. PRESSURE CONTROL:**

1. Before drilling below the **8-5/8** inch surface casing shoe, the blowout preventer assembly shall consist of a minimum of One Annular Preventer or Two Ram-Type Preventers and a Kelly Cock/Stabbing Valve.
2. Before drilling below the **8-5/8** inch surface casing shoe, minimum working pressure of the blowout preventer and related equipment (BOPE) shall be **2000** psi.
3. The BOPE shall be installed before drilling below the **8-5/8** inch surface casing and shall be tested as described in Onshore Order No. 2. Any equipment failing to test satisfactorily shall be repaired or replaced.
  - a. The BOP/BOPE test shall include a low pressure test from 250 to 300 psi. The test will be held for a minimum of 10 minutes if test is done with a test plug and 30 minutes without a test plug.
  - b. All tests are required to be recorded on a calibrated test chart. A copy of the BOP/BOPE test chart and a copy of independent service company test will be submitted to the BLM Roswell Field Office at 2909 West Second Street, Roswell, New Mexico 88201.
  - c. Testing fluid must be water or an appropriate clear liquid suitable for sub-freezing temperatures. Use of drilling mud for testing is not permitted since it can mask small leaks.
  - d. Testing must be done in a safe workman like manner. Hard line connections shall be required.

## D. Drilling Mud

1. Fresh water and non toxic drilling mud shall be used to drill the 12-1/4 inch hole for the 8-5/8 inch surface casing to be set at an approximate depth of 200 feet. Any polymers used will be water based and non-toxic.

## VI. PRODUCTION

### A. WELL STRUCTURES & FACILITIES

#### Placement of Production Facilities

Production facilities should be placed on the well pad to allow for maximum interim re-contouring and re-vegetation of the well location.

#### Containment Structures

The containment structure shall be constructed to hold the capacity of the entire contents of the largest tank, plus 24 hour production, unless more stringent protective requirements are deemed necessary by the Authorized Officer.

#### Painting Requirement

All above-ground structures including meter housing that are not subject to safety requirements shall be painted “**Juniper Green**” according to the guidelines set forth by the BLM’s "Standard Environmental Colors Color Guide.

## VII. INTERIM RECLAMATION & RESERVE PIT CLOSURE

### A. INTERIM RECLAMATION

If the well is a producer, interim reclamation shall be conducted on the well site in accordance with the orders of the Authorized Officer. The operator shall submit a Sundry Notices and Reports on Wells (Notice of Intent), Form 3160-5, prior to conducting interim reclamation.

During the life of the development, all disturbed areas not needed for active support of production operations should undergo “interim” reclamation in order to minimize the environmental impacts of development on other resources and uses.

During reclamation, the removal of caliche is important to increasing the success of re-vegetating the site. Removed caliche may be used in road repairs, fire walls or for building other roads and locations. In addition, in order to operate the well or complete work over operations, it may be necessary to drive, park and operate on restored interim vegetation within the previously disturbed area. Disturbing re-vegetated areas for production or workover operations will be allowed. If there is significant disturbance and loss of vegetation, the area will need to be re-

vegetated. Communicate with the appropriate BLM office for any exceptions/exemptions if needed.

### PECOS DISTRICT SEED MIX FOR:

Ecological Site: Shallow Sand SD-3 and Sandy SD-3

Common Name and Preferred Variety	Scientific Name	Pounds of Pure Live Seed Per Acre
Black grama	( <i>Bouteloua eriopoda</i> )	3.00 lbs.
or Blue grama,	( <i>Bouteloua gracilis</i> )	
Sideoats grama	( <i>Bouteloua curtipendula</i> )	2.00 lbs.
Sand dropseed	( <i>Sporobolus cryptandrus</i> )	1.50 lbs.
or Mesa dropseed	( <i>S. flexuosus</i> )	
or Spike dropseed	( <i>S. contractus</i> )	
Desert or Scarlet	( <i>Sphaeralcea ambigua</i> )	1.00 lb.
Globemallow or	( <i>S. coccinea</i> )	
Croton	( <i>Croton</i> spp.)	1.00 lb.
TOTAL POUNDS PURE LIVE SEED (pls) PER ACRE		8.50 lbs.

Certified Weed Free Seed. If one species is not available, increase all others proportionately. Use no less than 4 species, including 1 forb. No less than 8.5 pounds pls per acre shall be applied

### VIII. FINAL ABANDONMENT & REHABILITATION REQUIREMENTS

a. Upon abandonment of the well and/or when the access road is no longer in service, a Notice of Intent for Final Abandonment with the proposed surface restoration procedure must be submitted for approval.

b. Upon abandonment of the well, all casing shall be cut-off at the base of the cellar or 3-feet below final restored ground level (whichever is deeper). A 4-inch pipe, 10 feet in length, shall be installed 4 feet above ground and embedded in cement. The following information shall be permanently inscribed on the dry hole marker: Well name and number, the name of the operator, the lease serial number, the surveyed location (the quarter-quarter section, section, township and range or other authorized survey designation acceptable to the authorized officer; such as metes and bounds).

c. Surface Reclamation must be completed within 6 months of well plugging. If the operator proposes to modify the plans for surface reclamation approved on the APD, the operator must attach these modifications to the Subsequent Report of Plug and Abandon using Sundry Notices and Reports on Wells, Form 3160-5.

**EXHIBIT C**  
**BLM Serial Number: NM-121013**  
**Company Reference: Mack Energy Corporation**  
**Standard Stipulations**

**10/06/2008**

The holder shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in strict conformity with the stipulations which are made part of the grant. Any relocation, additional construction, or use that is not in accord with the approved stipulations, shall not be initiated without the prior written approval of the authorized officer. A copy of the complete right-of-way grant, including all stipulations, shall be made available on the right-of-way area during construction, operation, and termination to the authorized officer. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.

The holder shall designate a representative(s) who shall have the authority to act upon and to implement instructions from the authorized officer. The holder's representative shall be available for communication with the authorized officer within a reasonable time when construction or other surface disturbing activities are underway.

The holder shall contact the authorized officer at least 10 days prior to the anticipated start of construction and/or any surface disturbing activities. The authorized officer may require and schedule a preconstruction conference with the holder prior to the holder's commencing construction and/or surface disturbing activities on the right-of-way. The holder and/or his representative shall attend this conference. The holder's contractor, or agents involved with construction and/or any surface disturbing activities associated with the right-of-way, shall also attend this conference to review the stipulations of the grant including the plans(s) of development.

The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.

The holder shall provide for the safety of the public entering the right-of-way. This includes, but is not limited to, barricades for open trenches, flag men/women with communication systems for single-lane roads without visible turnouts, and attended gates for blasting operations.

The holder shall permit free and unrestricted public access to and upon the right-of-way for all lawful purposes except for those specific areas designated as restricted by the authorized officer to protect the public, wildlife, livestock, or facilities constructed within the right-of-way.

Construction-related traffic shall be restricted to routes approved by the authorized officer. New access roads or cross-country vehicle travel will not be permitted unless prior written approval is given by the authorized officer. Authorized roads used by the holder shall be rehabilitated or maintained when construction activities are complete as approved by the authorized officer.



No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of three inches deep, the soil shall be deemed too wet to adequately support construction equipment.

The holder shall maintain the right-of-way in a safe, usable condition, as directed by the authorized officer. (A regular maintenance program shall include, but is not limited to, blading, ditching, culvert installation and surfacing).

The holder shall meet Federal, State, and local emission standards for air quality.

Any cultural and/or Paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.

Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.

The holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.

The holder of the Right-of-Way agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et seq. or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 et seq.) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way holder's activity on the right-of-way. This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.

Power or high-pressure clean all equipment of all mud, dirt, and plants immediately prior to moving into and off of the project area. Any gravel or fill to be used must come from weed-free sources. Inspect gravel pits and fill sources to identify weed-free sources. No soil spoil that could potentially contain noxious weed seeds shall be transported out of the area where it is created. If seeding is required, it must be certified noxious weed free. If the applicant is required to mulch, that also must be weed free.

Any use of herbicides/pesticides shall comply with the applicable Federal and State laws. Herbicides/pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, holder shall obtain from the Authorized Officer (AO) written approval of a plan showing the type and quantity of materials to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the AO. Emergency use of pesticides shall be approved in writing by the AO prior to use.

Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, re-contouring, top soiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.